

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	No. 3:22-cr-00282
v.)	
)	JUDGE RICHARDSON
[1] GLEN CASADA)	
[2] CADE COTHREN)	

**GOVERNMENT’S RESPONSE TO DEFENDANT COTHREN’S
MOTION FOR ISSUANCE OF A RULE 17 SUBPOENA**

The United States of America, through undersigned counsel, hereby responds to defendant Cade Cothren’s motion for trial subpoenas pursuant to Federal Rule of Criminal Procedure 17(c). ECF No. 46. The government does not oppose the defendant’s request.

The defendant seeks to serve trial subpoenas on Verizon Communications, Inc., and Confide, Inc., for pretrial production of personal telephone and messaging records associated with a potential trial witness for the time period of February 1, 2019, through January 31, 2020. ECF No. 46 at 4-5. A defendant can “subpoena materials using a Rule 17(c) subpoena only if four conditions are met.” *United States v. Llanez-Garcia*, 735 F.3d 483, 494 (6th Cir. 2013) (citing *United States v. Nixon*, 418 U.S. 683, 699 (1974)). “First, the items must be evidentiary and relevant.” *Id.* “Second, the items may not be otherwise procurable through due diligence prior to trial.” *Id.* “Third, the requesting party must be unable to properly prepare for trial without such pre-trial production and inspection.” *Id.* “And, finally, the application must be made in good faith and not amount to a ‘fishing expedition.’” *Id.* “[W]hen the subpoenaed items arrive, ‘the court may permit the parties and the attorneys to inspect all or part of them.’” *Id.* (quoting Fed. R. Crim. P. 17(c)(1)). Under these factors, the government does not oppose the defendant’s request for a Rule 17 subpoena for the documents identified in his motion.

The defendant “asks that the requested documents be provided either to undersigned counsel or to the Court.” ECF No. 46 at 12. The government does not object to the records being provided directly to defense counsel provided that, consistent with Rule 17(c)(1), the Court order counsel to disclose all the materials they receive pursuant to the subpoenas to both the government and co-defendant Glen Casada within one week of receiving them.

Finally, given the personal and sensitive nature of the records that the defendant seeks to subpoena, the government requests that the Court place all records produced by the subpoenaed entities under the same restrictions set forth in Paragraphs 1-4 and 6 of the Protective Order. *See* ECF No. 23.

Respectfully submitted,

HENRY C. LEVENTIS
United States Attorney
Middle District of Tennessee

COREY R. AMUNDSON
Chief
Public Integrity Section

By:

/s/ Amanda J. Klopff
AMANDA J. KLOPF
Assistant U.S. Attorney
110 Ninth Avenue South, Suite A-961
Nashville, TN 37203
(615) 736-5151
Email: amanda.klopff@usdoj.gov

By:

/s/ John P. Taddei
JOHN P. TADDEI
Trial Attorney
1301 New York Ave. NW
Washington, DC 20530
(202) 514-3885
Email: john.taddei@usdoj.gov

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing response was electronically filed with the Clerk on June 15, 2023, and service was made upon all persons registered in that case via CM/ECF and/or by email.

/s/ John P. Taddei
JOHN P. TADDEI
Trial Attorney